

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**OCTOBER 1, 1999**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF AT&amp;T DIGITAL LINK SERVICE</b>	)	<b>DOCKET NO. 99-00280</b>
<b>FOR APPROVAL OF AN INTRALATA TOLL</b>	)	
<b>DIALING PARITY IMPLEMENTATION PLAN</b>	)	

---

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY  
IMPLEMENTATION PLAN**

---

This matter came before the Tennessee Regulatory Authority (the "Authority") on July 27, 1999, at a regularly scheduled Authority Conference, to consider the Petition of AT&T Digital Link Service ("AT&T") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.<sup>1</sup> Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file

---

<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

**FILE**

with the state commission for exemption, suspension or modification of the dialing parity requirements.

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.<sup>2</sup> On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.<sup>3</sup>

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

AT&T is a telecommunications company operating under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier that provides telecommunications services in

---

<sup>2</sup> FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

<sup>3</sup> AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Tennessee. Pursuant to 47 C.F.R. § 51.213, the petitioner is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in Tennessee where service is provided.<sup>4</sup> This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.<sup>5</sup>

AT&T filed an intraLATA toll dialing parity plan on April 22, 1999 and amended the plan on June 14, 1999 and July 8, 1999. The Plan as amended, attached hereto as Attachment A, is fully incorporated herein by this reference. Additionally, AT&T requested a relaxation of the requirement that prohibits a default carrier to be specified as a means of accomplishing intraLATA toll dialing parity.

AT&T requests a relaxation of the requirement that prohibits a default carrier to be specified as a means of accomplishing IntraLATA Toll Dialing Parity. AT&T maintains that this requirement is set forth in FCC Order 96-333, Paragraph 41, which states "A LEC's plan may not accomplish toll dialing parity by automatically assigning toll customers to itself, to a customer's currently presubscribed interLATA or interstate toll carrier, or to any other carrier except when, in a state that already has implemented intrastate, intraLATA toll dialing parity, the subscriber has selected the same intraLATA and interLATA presubscribed carrier." AT&T states that it intends to assign new

---

<sup>4</sup> Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

<sup>5</sup> Pre-subscription allows the customer to place a call without dialing an access code.

customers not selecting an IntraLATA carrier to AT&T service because the switches that are used to provide AT&T nodal services and AT&T Digital Link Service will not support a “No PIC”<sup>6</sup> selection or assignment until a software upgrade is accomplished in those switches. As a result, AT&T maintains the “No PIC” option is not technically feasible at this time. AT&T states it is only seeking an extension of the time in which to provide new customers who do not select an intraLATA toll carrier the ability to “No PIC” and make intraLATA toll calls using a “dial around capability. AT&T states the relaxation of this requirement is only needed until the proper software upgrades have been accomplished in the first quarter of the year 2000. This will not affect existing customers since AT&T’s plan calls for existing customers, not affirmatively changing carriers after notification, to remain with their existing provider.

The Directors considered AT&T’s Plan and modification request at the July 27, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.<sup>7</sup> The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the amended intraLATA toll dialing parity implementation plan of AT&T and its request

---

<sup>6</sup> Per FCC Order 96-333, “The nonselecting customer dials a carrier access code to route their intraLATA toll or intrastate toll calls to the carrier of their choice....”

<sup>7</sup> FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC’s IntraLATA Toll Dialing Parity Plan.

for a relaxation of the requirement that prohibits a default carrier to be specified as a means of accomplishing IntraLATA Toll Dialing Parity until the necessary switch software upgrades are completed. Additionally, the Directors required AT&T to comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

**IT IS THEREFORE ORDERED THAT:**

1. The amended Plan of AT&T Digital Link Service for intraLATA toll dialing parity implementation, a copy of which is attached as Attachment A, is hereby approved and is incorporated in this Order as if fully rewritten herein;

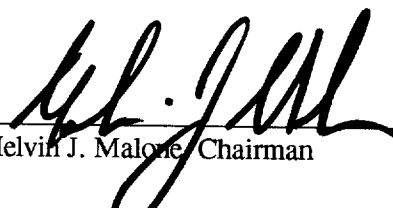
2. The request of AT&T Digital Link Service for a relaxation of the requirement that prohibits a default carrier to be specified as a means of accomplishing intraLATA toll dialing parity until the necessary switch software upgrades are completed, is hereby granted until March 31, 2000;

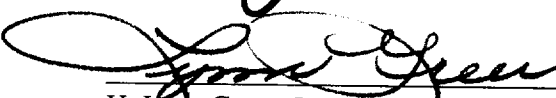
3. The relaxation of the requirement that prohibits a default carrier to be specified as a means of accomplishing intraLATA toll dialing parity shall be applied only to new customers who do not positively choose an intraLATA toll carrier;

4. After switch software upgrades are complete, AT&T Digital Link Service shall contact all local exchange service subscribers, who subscribe to service after intraLATA toll dialing parity implementation but before switch software upgrades were complete, and extend to them the opportunity to select a "No PIC" option;

5. AT&T Digital Link Service shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and


6. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

  
Melvin J. Malone, Chairman

  
H. Lynn Greer, Jr., Director

  
Sara Kyle, Director

ATTEST:

  
K. David Waddell, Executive Secretary



REC'D TN  
REGULATORY AUTH.

99 JUL 8 PM 3 27

Jim Lamoureux  
Attorney  
Law and Government Affairs  
Southern Region  
jlamoureux@att.com

OFFICE OF THE  
EXECUTIVE SECRETARY

Promenade 1  
1200 Peachtree Street N.E.  
Atlanta, GA 30309  
404 810 4196  
FAX: 404 810 5901

July 8, 1999

**By [HAND DELIVERY]**

Mr. David Waddell  
Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

**RECEIVED**

JUL 09 1999

TN REGULATORY AUTHORITY  
TELECOMMUNICATIONS DIVISION

*Re: Docket No. 99-00280  
Revised AT&T-TCG Toll Dialing Parity Implementation Plan*

Dear Mr. Waddell:

Please find enclosed for filing the original and 13 copies of AT&T's Amended Toll Dialing Parity Implementation Plan.

Sincerely,

A handwritten signature of Jim Lamoureux in cursive script.  
Jim Lamoureux

Encls.

**AT&T Digital Link Service Dialing Parity Implementation Plan**  
**(Amended – July 8, 1999)**

AT&T hereby files this Dialing Parity Implementation Plan in accordance with the Federal Communications Commission Order released on March 23, 1999, in Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Petition of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell for Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing Parity or, in the Alternative, Various Other Relief, CC Docket No. 96-98, NSD File No. 98-121. This Plan sets forth AT&T's proposal for providing intraLATA toll dialing parity within the state of Tennessee for customers subscribing to AT&T Digital Link Service.

**Methodology:** AT&T will provide full 2-PIC (intraLATA toll & interLATA) dialing parity, allowing AT&T Digital Link Service customers to pre-subscribe to one carrier for all interLATA calls and to the same or another carrier for all intraLATA toll calls. One interLATA IXC and one intraLATA IXC may be selected for each trunk subgroup. AT&T will convert all its central offices on a statewide basis. AT&T will provide the capability for pre-subscription, however subscribers must reprogram their PBX to send their traffic to their selected carrier in order for the presubscribed choice to be effective. (Because AT&T's 4ESS will not have the capability to accommodate a "No PIC" until the first quarter of 2000, see the attached Petition for Waiver.)

**Availability:** AT&T will provide full 2-PIC dialing parity in each LATA in which AT&T offers AT&T Digital Link Service. AT&T Digital Link is offered in all exchanges and LATAs in Tennessee in which AT&T is authorized to provide local and intraLATA toll services.

**Subscriber Practices:** AT&T will inform new AT&T nodal services and AT&T Digital Link Service customers (i.e., customers that subscribe to local and long distance services on the same day) of the dialing parity feature available to them and, upon request, will provide customers a randomly ordered list of carriers available to them in their geographic area. If the new customer does not indicate a preference for an alternate carrier, interLATA and intraLATA toll traffic sent over AT&T Digital Link nodal facilities will be carried over AT&T's network as part of the subscribers' new nodal agreement.

AT&T will utilize competitively neutral business office practices when an existing AT&T Digital Link Service subscriber contacts AT&T to request information on dialing parity or to change to an alternate intraLATA toll and/or interLATA provider. Upon request, AT&T will provide Customers a randomly ordered list of carriers available to them in their geographic area. Existing subscribers who do not affirmatively select an alternative provider will remain with their pre-existing intraLATA toll and interLATA carrier.

AT&T will accept Customer-initiated or carrier-initiated requests for alternate interLATA or intraLATA toll carrier on the date of implementation. If all necessary access facilities already exist, the PIC/PTC selection will be processed within three business days. Should the installation of new access facilities (e.g., from the AT&T switch to the LEC access tandem or from the customer premises to the AT&T switch) be required, the PIC/PTC selection will be completed within three business days of the new facilities being fully provisioned and operational. The new facilities will be provisioned within standard provisioning intervals.

At this time, AT&T will not impose charges on its customers for pre-subscribing to an alternate carrier or for changing their PIC/PTC selection.

AT&T will provide notice to its AT&T Digital Link Service subscribers of the forthcoming availability of intraLATA toll and interLATA dialing parity by means of a one-time mailing, a copy of which is attached as Exhibit 1. This mailing will be sent 15 days prior to the implementation of dialing parity, provided that at least one ASR has been received from an alternate carrier.

**Carrier Practices:** Any interexchange carrier that wishes to be listed as a provider of intraLATA toll or interLATA service at the time of dialing parity implementation shall notify AT&T no later than 30 days prior to dialing parity availability. Access Service Request ("ASR") requirements are available from the AT&T Carrier Service Center. AT&T will implement ASRs that require the installation of new access facilities in accordance with standard provisioning intervals. AT&T will not implement a cost recovery plan at this time. In addition, AT&T will not impose a PIC Change Charge on ADL customers. In keeping with the TRA's anti-slamming rules, AT&T will adhere to the TRA anti-slamming rules and implement a PIC freeze moratorium for 180 days. AT&T will comply with all rules imposed by the FCC and the TRA.

**Proposed Implementation Schedule:** AT&T will implement dialing parity no later than 30 days after the date of the Order in which this plan is approved.

AT&T also provides AT&T Business Local Service ("BLS") within the State of Tennessee. Because AT&T BLS is provided over facilities acquired by AT&T in its merger with Teleport Communications Group ("TCG"), AT&T will implement dialing parity for AT&T BLS customers in accordance with the dialing parity plan filed by TCG.

Date

Dear Customer,

As a valued AT&T Digital Link customer we are pleased to announce an enhancement to your AT&T Digital Link Service: the availability of intraLATA toll and interLATA (including international) pre-subscription. Pre-Subscription gives you the opportunity to choose an alternate carrier to complete your intraLATA toll and/or interLATA calls.

AT&T currently completes your intraLATA toll and 1+ interLATA calls, and will continue to be your long distance company unless you choose otherwise.

Other companies will solicit your intraLATA toll and interLATA business. Before making a change, however, please remember that each company's rates, plans and policies are different. If you wish to make a change, please contact our business office. You should also contact the long distance company you have chosen to ensure your account is properly established. This feature is available to you effective [insert date]. AT&T will not impose any charges for this feature.

As always, we are grateful for your continued business. If you have any questions or wish to make a change, please contact our business office at 1-877-325-5968 on or after [insert date].

Sincerely,

AT&T Local Services